

Mail Stop Interference
P.O. Box 1450
Alexandria Va 22313-1450
Tel: 571-272-4683
Fax: 571-273-0042

Paper 25
Entered: February 5, 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Human Genome Sciences Inc.,
Junior Party
(Application 11/537,681,
Inventors: Ying-Fei Wei, Brent L. Kreide, and
Craig A. Rosen),

v.

Schering Corporation,
Senior Party
(Patent 6,723,520,
Inventors: Wei Wang, Kurt C. Gish, Thomas J. Schall,
Alain Vicari, and Albert Zlotnik).

Patent Interference 105,697 (RES)
Technology Center 1600

Before: RICHARD E. SCHAFER, JAMESON LEE and
RICHARD TORCZON, *Administrative Patent Judges.*

SCHAFER, *Administrative Patent Judge.*

Judgment - Request for Adverse – 37 C.F.R. § 41.127(b)

1 Schering filed a paper abandoning the contest. Paper 22. An
2 abandonment of the contest is construed as a request for entry of adverse
3 judgment. 37 C.F.R. § 41.127(b)(4).

4 Accordingly, it is

5 **ORDERED** that judgment on priority as to the subject matter of
6 Count 1 (Paper 1, p. 3), is awarded against Patent 6,723,520;

7 **FURTHER ORDERED** that claims 1-22 of Patent 6,723,520,
8 corresponding to Count 1, are cancelled (35 U.S.C. § 135(a));

9 **FURTHER ORDERED** that a copy of this judgment be made of
10 record in the files of Patent 6,723,520 and Application 11/537,681, and

11 **FURTHER ORDERED** that if there is any settlement agreement or
12 related documents which have not been filed, attention is directed to
13 35 U.S.C. § 135(c) and 37 C.F.R. § 41.205.

/Richard E. Schafer/)
RICHARD E. SCHAFER)
Administrative Patent Judge)

/Jameson Lee/)
JAMESON LEE)
Administrative Patent Judge)

/Richard Torczon/)
RICHARD TORCZON)
Administrative Patent Judge)

BOARD OF PATENT
APPEALS AND
INTERFERENCES

cc (via e-mail):

Attorney for HGS:

Mark J. Hyman, Esq.
Jon Tornquist, Esq.
Vicki L. Healy, Esq.
Human Genome Sciences, Inc.
Intellectual Property Dept.
14200 Shady Grove Road
Rockville, MD 20850
Telephone: (240) 314-1224
Facsimile: (301) 309-8439
E-mail: mark_hyman@hgsi.com
Email: jon_tornquist@hgsi.com
Email: Vicki_healy@hgsi.com

Attorney for Schering:

Michael J. Wise, Esq.
Lauren Sliger, Esq.
Perkins Coie LLP
1888 Century Park East
Suite 1700
Los Angeles, CA 90067-1721
Telephone: (310) 788-3210
Facsimile: (310) 788-3399
E-mail: mwise@perkinscoie.com